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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,463	09/24/2001	Kei Fukuda	450101-02950	9482
20999	7590	02/10/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			HUYNH, CONG LAC T	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/937,463

Applicant(s)

FUKUDA ET AL.

Examiner

Cong-Lac Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-27 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-27 and 29-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: amendment filed 11/12/04 to the application filed on 1/23/01.
2. Claim 28 is canceled.
3. Claims 16-27, 29-34 are pending in the case. Claims 16, 29 and 32 are independent claims.
4. The rejections of claims 20, 29-33 under 35 USC 112, first paragraph for failing to comply with the enablement requirement have been withdrawn in view of the amendment.
5. The rejections of claims 20, 29-33 under 35 USC 112, second paragraph for being indefinite have been withdrawn in view of the amendment.

### ***Priority***

6. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

7. The submission of the replacement of figure 22 in response to the drawing objection is not relevant since figure 22 is proper.
8. Figure 8 remains objected to as failing to comply with 37 CFR 1.84(p)(4) because there is no submission of figure 8 showing the change made due to the objection mentioned in the previous office action. The same number "282" has been used to

designate **two different buttons in figure 8** whereas there is no reference number “283” as disclosed in the specification ([0021]).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 16-27, 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US Pat No. 5,801,685, 9/1/98, filed 4/8/96) in view of Abe (US Pat No. 6,714,216 B2, 3/30/04, filed 9/27/99).

Regarding independent claim 29, Miller discloses:

- corresponding, material data to be objects for automatic editing process to each of said scenes of scenario data for automatic editing constituted by a plurality of scenes and having timing information at which each scene starts (**col 1, lines 11-21, col 5, lines 26-50**: change made to the script leads to the automatic editing of the correspondent clip which causes the start time of a video clip to be changed where each video clip is considered equivalent to a scene of video)
- modifying said material data corresponded adjusting to length of said each scene (**col 5, lines 43-65**: changes made to the script such as adding text to or removing text from the script cause the play-time duration of the corresponding video clips to be adjusted)
- reproducing said plurality of material data on the basic of said scenario data (**col 6, lines 11-27**: displaying the video clips for viewing after being edited shows that the video clips is reproduced after being edited)

Miller does not disclose that the corresponding step is performed at random.

Abe discloses a video editing apparatus for *editing video sequences* employing a graphical interface for *selecting video clips* successively and *at random* so that the *scenes of motion picture selected from the video clips* each between an editing start point and editing end point are designated and displayed on the monitor (col 1, lines 6-14, 65 to col 2, line 8). Abe further discloses the editing points will be decided for the duration of the selected video clip (col 2, lines 25-32, 54-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Abe into Miller since Abe discloses that the video clips can be selected at random *for corresponding scenes* providing the advantage to incorporate into Miller for easily corresponding scripts to video clips of scenario data in editing video having timing information where the corresponded video clips are selected at random.

Regarding claim 30, which is dependent on claim 29, Miller discloses:

- corresponding, a row of characters to be inserted to either one of said plurality of scenes (**col 4, lines 27-38**: linking the script with the selected clip by inserting control characters into the script text at a desired location of the video clip shows corresponding of the script text and the selected video clip; **col 13, lines 44-51**: "...video clips are linked to the text script to create an entire linked video and script text presentation ...")
- said reproducing displays said row of characters superposed at the time of reproducing said material data of scenes to which said row of characters are corresponded (**col 4, lines 21-62**: dragging and dropping the video clip to the

drop location of the marked text of the script shows that the script including characters is superposed at the time of reproducing the video clip; **col 13, lines 35-51**: additional video clip is inserted into the script text shows that the script text, which is a row of characters is superposed at the time of reproducing the scene)

Miller does not disclose that said corresponding is performed at random.

Abe discloses a video editing apparatus for *editing video sequences* employing a graphical interface for *selecting video clips* successively and *at random* so that the *scenes of motion picture selected from the video clips* each between an editing start point and editing end point are designated and displayed on the monitor (col 1, lines 6-14, 65 to col 2, line 8). Abe further discloses the editing points will be decided for the duration of the selected video clip (col 2, lines 25-32, 54-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Abe into Miller since Abe discloses that the video clips can be selected at random *for corresponding scenes* providing the advantage to incorporate into Miller for easily corresponding scripts to video clips of scenario data in editing video having timing information where the corresponded video clips are selected at random.

Regarding claim 31, which is dependent on claim 29, Miller discloses:

- displaying in list images relating to said material data (**col 4, lines 21-34**: viewing video clips where the clips include frames which are images to be selected relating to video data shows that these frames are displayed)

- displaying said images arranged relating to material data in order corresponded to each scene of said scenario data (**col 4, lines 21-34**: selecting frames in the clips on the graphical user interface inherently shows that the video frames, equivalent to images, corresponding to each clip of the video segment are displayed on the screen)

Claims 32-34 are for a program storage medium of method claims 29-31, and are rejected under the same rationale.

Claims 16-21 are for an apparatus for performing method claims 29-31, and are rejected under the same rationale.

Regarding claim 22, which is dependent on claim 17, Miller discloses selecting either one out of said plurality of scenario data and storing a plurality of scenario data in the scenario data memory (**col 4, col 24-30**: selecting raw clips from the database list of available clips; this also shows that a plurality of video clips, equivalent to a plurality of scenario data is stored in the scenario data memory).

Regarding claim 23, which is dependent on claim 16, Miller discloses:

- storing effect information added to a scene (**col 5, lines 43-65**: adding video frames to a video clip to change the play-time duration of video playback; this implies that such change made to the video clip must be stored for later use)



- corresponding said effect to either of said plurality of scenes (**col 5, lines 43-65**: the added video frames correspond to the video clip to which said frames are added to)

Regarding claim 24, which is dependent on claim 16, Miller discloses reproducing said plurality of material data corresponded by said corresponding means on the basis of said scenario data (**col 5, lines 43-65**: the video clips are edited based on editing of video frames, which are equivalent to scenario data, to reproduce video clips).

Regarding claim 25, which is dependent on claim 24, Miller does not disclose that said material data is animation data. Instead, Miller discloses editing audio clips and video clips for broadcasting (abstract, col 6, lines 39-53).

Abe discloses that the data in video editing is animation data (figure 9, SP4, SP6: moving picture is the animation data).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Abe into Miller since Abe discloses editing video sequence where the data for editing is animation material providing the advantage to incorporate into Miller for producing animation data instead of merely editing audio data and video data by changing the length of the video segment since reproducing animation based on audio data and video data, at some point, is one way of editing audio data and video data.

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Regarding claim 26, which is dependent on claim 24, Miller discloses that said material is still image data (col 4, lines 24-30: the video frames are still image data in the video).

Regarding claim 27, which is dependent on claim 24, Miller discloses that said material is voice data (col 3, lines 38-42, col 6, lines 1-7, 41-43, 50-53).

### ***Response to Arguments***

12. Applicant's arguments filed 11/12/04 have been fully considered but they are not persuasive.

Regarding claim 16, Applicants argue that Miller and Abe, in combination or individually, fail to teach or suggest an apparatus including a corresponding means for corresponding data in a selected material clip with special effects so that the plurality of scenes includes transitions between scenes with special effects scenes, and display means for displaying the material clip and the plurality of scenes including transitions (Remarks, page 11).

Examiner respectfully disagrees.

Miller discloses corresponding data in a selected material clip with special effects so that the plurality of scenes includes transitions between scenes with special effects scenes (col 1, lines 11-21, col 5, lines 26-50: the start time of a video clip to be changed is the data in a selected material clip to be corresponded with special effects due the

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change made to the script so that the plurality of scenes include scenes and special effects scenes, which are scenes to be edited).

Abe, in combination with Miller, discloses displaying the material clip and the plurality of scenes including transitions (col 1, lines 6-14, 65 to col 2, line 8, lines 25-32, 54-65: *employing the graphical user interface for selecting video clips* successively so that the scenes of motion picture selected from the video clips each between an editing start point and editing end point shows that the material clips and the scenes with changing of start times and end times indicating the transitions *are displayed*).

### **Conclusion**

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Abe (US Pat No. 6,404,978 B1, 6/11/02, filed 4/2/99).

Kindell et al. (US Pat No. 5,854,887, 12/29/98, filed 10/24/96).

Ubillos (US Pat No. 5,999,173, 12/7/99, filed 4/3/92).

Akama et al. (US Pat App Pub No. 2001/0048486 A1, 12/6/01, filed 5/23/98).

Rezvani et al. (US Pat App Pub No. 2004/0098515 A1, 5/20/04, filed 9/16/03, priority 9/6/00).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Clh  
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**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**